

REMARKS/ARGUMENTS

By this response, claims 1-18 are pending. No claims are currently amended.

Claims 1-18 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Kinoshita (US 6,314,607) in view of Stevens (US 4,864,678).

Kinoshita (US 6,314,607 B1) discloses a wiper with a quadric linking mechanism comprising a main lever or drive lever and a sub-lever or control lever. Kinoshita does not discuss how to effect a pressure force from a wiper arm on a windshield.

Stevens (US 4,864,689) discloses a windshield wiper with a wiper arm that is directly connected to a rotary driving spindle and is resiliently biased downwardly to effect a pressure force on the windshield. Stevens does not disclose a windshield wiper comprising one or more levers. In particular, element 14 in Stevens refers to a limb in a region 12 of the arm 1, not to a rod lever as stated in the first Office Action.

Neither Kinoshita nor Stevens mention that a rod lever may be executed to be elastic to effect a pressure force from the wiper arm on the windshield.

The examiner points to *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) for the reminder that the test of obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. Applicant asserts that *In re Keller* supports Applicant's position because *the combined teachings of the references do not suggest each and every element of the claims to those of ordinary skill in the art*. Rather, the combined teachings of Kinoshita and Stevens would suggest a windshield wiper having a quadric linking mechanism of Kinoshita and a resiliently biased arm of Stevens to those of ordinary skill in the art. The combined teachings of Kinoshita and Stevens would result in a windshield wiper with rigid levers and an elastic arm, which is different from the subject matter of claims 1-18. The windshield wiper suggested by the combined teachings of Kinoshita and Stevens does not meet the limitations of claims 1-18. Additionally, there would have been no reason to further modify the windshield wiper resulting from the combined teachings of Kinoshita and Stevens to somehow meet the limitations of claims 1-18.

The examiner further points to *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) regarding reconstruction based upon hindsight reasoning. The examiner notes that such a

reconstruction is proper as long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure. However, the reconstruction proposed by the examiner does indeed include subject matter gleaned only from Applicant's disclosure. This is, by very definition, impermissible hindsight. Specifically, in order to meet the limitations of claims 1-18, a person of ordinary skill in the art would have had to modify one of the levers of Kinoshita. Neither Kinoshita nor Stevens provide any motivation for doing so. Kinoshita does not discuss how a pressure force between the wiper arm and the windshield can be created, and consequently does not provide any suggestion that such a pressure force may be created by executing one of the levers elastically. Stevens does not mention any levers at all and therefore, does not mention a possibility of creating a pressure force by executing a lever elastically, either. Consequently, a person skilled in the art would have had *no* motivation to change one of the levers of Kinoshita to be elastic. The *only* way one of ordinary skill in the art would combine the teachings of Kinoshita and Stevens to achieve the claimed windshield wiper, is through impermissible hindsight reasoning.

Kinoshita and Stevens, taken alone or in combination, do not teach or suggest each and every element of claim 1. Therefore, claim 1 is allowable over Kinoshita and Stevens. Claims 2-18 depend from claim 1 and are allowable for the same and other reasons not specifically set forth herein.

Withdrawal of the rejection and allowance of claims 1-18 is respectfully requested. If additional consultation will further prosecution, the undersigned is available during normal business hours at the below-identified telephone number.

Respectfully submitted,

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